REMARKS

In the Office Action of November 30, 2007, the Examiner asserts that the application contained claims to more than one species of the generic invention and therefore instructs Applicants to elect "a single species", either "a single process for making a specific compound exemplified in the specification of a single compound exemplified in the specification".

According to the Examiner, the claimed species are not so linked to as to form a single general inventive concept under PCT Rule 13.1 because they fail to share special technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. In particular, the Examiner alleges that the features shared by claims 1-15 (i.e., the features of claim 1) are anticipated or rendered obvious by U.S. Patent No. 5,286,883 (hereinafter, "the '883 patent"). The Examiner thus concludes that since the inventions do not possess a special technical feature when viewed over the prior art, they do not have a single general inventive concept and therefore lack unity of invention.

As noted above, Applicants provisionally elect **with traverse** a process for producing atorvastatin using the reactant conditions set forth in part (e) of claim 4. Applicants respectfully submit that claims 1-12 and 15 read on this elected invention and that, of these claims, claims 1-11 and 15 are generic thereto. However, Applicants respectfully submit that the Examiner's characterization of the '883 patent as anticipating or rendering obvious the invention of claims 1-15 is in error and respectfully request reconsideration of the restriction requirement in view of the following remarks.

Contrary to the Examiner's suggestion, the '883 patent does not disclose, suggest or render obvious each and every element of claim 1. Specifically, pending claim 1 expressly requires that a compound of formula II be lactonized to a compound of formula I-a. This step is critical to the present invention in that it allows the compound of formula I-a to be obtained in excellent optical purity. This high degree of optical purity in turn allows the statin end product to be obtained as an optically pure compound. In that the '883 patent fails to disclose the essential lactonization step of the presently claimed process, it cannot anticipate or render obvious the invention of claims 1 *et seq.*

Accordingly, in that the features shared by claims 1-15 (i.e., the features of claim 1) define a contribution which each of the inventions, considered as a whole, makes over the prior art, claims 1-15 are necessarily linked as to form a single inventive concept. Thus, in that there is no lack of unity among the inventions of claims 1-15, Applicants respectfully petition for withdrawal of the restriction requirement and expeditious consideration of all pending claims.

CONCLUSION

The outstanding Office Action set a one-month shortened statutory period for response, response being due on or before **December 31, 2007** (December 30th being a Sunday). Thus, Applicants respectfully submit that this response is timely and no fee is required. However, in the event that further fees are required to enter the instant response and/or maintain the pendency of the instant application, the Commissioner is authorized to charge such fees to the undersigned's Deposit Account No. 50-2101.

If the Examiner has any questions or concerns regarding this communication, she is invited to contact the undersigned.

Respectfully submitted,

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